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SUITE 1400  
LOS ANGELES CA 90067

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**FEB 12 2008**

In re Application of : **OFFICE OF PETITIONS**  
Kameyama et al. :  
Application Number: 10/502265 : DECISION ON PETITION  
Filing Date: 07/22/2004 :  
Attorney Docket Number: :  
81919.0020 :

This is a decision on the petition filed on August 30, 2007,  
under 37 CFR 1.137(b).<sup>1</sup>

The petition is **GRANTED**.

The application became abandoned on January 19, 2007, for failure to timely respond to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on December 18, 2006, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on August 1, 2007.

Receipt of the amendment filed with the present petition is acknowledged.

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the Terminal Disclaimer filed to overcome a nonstatutory obviousness-type double patenting rejection is also acknowledged.

The application is being referred to Technology Center Art Unit 2819 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions